

Message Text

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SUBJ: PANAMA TREATY NEGOTIATIONS: FOREIGN MINISTER TACK'S COMMENTS

SUMMARY: FOREIGN MINISTER TACK'S RESPONSES TO QUESTIONS CONCERNING PANAMA'S FOREIGN POLICY AND CANAL TREATY NEGOTIATIONS POSED BY LA ESTRELLA REPORTER WERE PUBLISHED FEBRUARY 7. HE ADMITTED POSSIBILITY THAT DRAFT TREATY MIGHT BE READY BY MID-YEAR BUT STRESSED THAT NO DEADLINES HAD BEEN SET AND THAT TREATY CONTENT WAS MORE IMPORTANT THAN TIMING. HE DISCUSSED NECESSITY OF COMPROMISE IN ANY NEGOTIATION SUCH AS THIS WITH US ESTABLISHED IN CANAL ZONE UNDER A TREATY IN PERPETUITY. COMPROMISES ALREADY REACHED WERE THAT US PRESENCE WOULD HAVE A FIXED TERM AND ITS PRESENCE WOULD BE DISMANTLED IN STAGES. PANAMA WOULD REGAIN JURISDICTION OVER ALL ITS TERRITORY, THEN GRANT TO THE UNITED STATES THE NECESSARY "USE RIGHTS" FOR THE OPERATION, MAINTENANCE, PROTECTION AND DEFENSE OF THE CANAL. OF MILITARY BASES, HE SAID PANAMANIAN'S COULD NOT EXPECT THAT US WOULD DISMANTLE BASES SOON AFTER TREATY WAS APPROVED; HOWEVER, PANAMA WOULD HAVE GROWING PARTICIPATION IN PROTECTION AND DEFENSE OF THE CANAL. ALTHOUGH TACK'S STATEMENTS CONCERNING PANAMA'S "GLOBAL FOREIGN POLICY, WERE STRONGLY NATIONALISTIC AND THIRD-WORLD ORIENTED, HIS STATEMENTS ABOUT THE CANAL TREATY NEGOTIATIONS WERE THE MOST POSITIVE PUBLIC STATEMENTS WHICH HE HAS MADE

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IONS WERE THE MOST POSITIVE PUBLIC STATEMENTS WHICH HE HAS MADE

ON THIS SUBJECT. HIS EMPHASIS ON THE NECESSITY FOR TAKING REALITIES INTO ACCOUNT AND ACHIEVING COMPROMISE WERE UNDOUBTEDLY PART OF THE GOP'S EFFORTS TO PREPARE PANAMANIAN FOR A TREATY INVOLVING COMPROMISE.

1. LA ESTRELLA DE PANAMA AND ITS ENGLISH LANGUAGE SITE, STAR & HERALD, PUBLISHED ON FEBRUARY 7--THE ANNIVERSARY OF THE KISSINGER-TACK AGREEMENT ON PRINCIPLES-- FOREIGN MINISTER TACK'S REPLIES TO QUERIES SUBMITTED BY LA ESTRELLA REPORTER LUIS CARLOS NOLI CONCERNING PANAMA'S FOREIGN POLICY AND THE CANAL TREATY NEGOTIATIONS. THE FULL TEXT OF THE EXTENSIVE INTERVIEW HAS BEEN FORWARDED TO ARA/PAN. THOSE PARTS OF THE INTERVIEW WHICH CONCERNED PANAMA'S "GLOBAL FOREIGN POLICY" WERE STRONGLY NATIONALISTIC AND THIRD WORLD-ORIENTED. TACK SAID THAT, UNDER THE REVOLUTIONARY GOVERNMENT, PANAMA'S GLOBAL FOREIGN POLICY DETERMINED THE CHARACTERISTICS OF PANAMA'S RELATIONS WITH THE UNITED STATES AND NOT VICE VERSA AS HAD BEEN TRUE IN THE PAST. NEVERTHELESS, IN HIS DESCRIPTION OF THE NEGOTIATIONS AND THE NEW TREATY, TACK STRESSED THE NECESSITY FOR COMPROMISE. SOME OF THE HIGHLIGHTS OF HIS STATEMENTS CONCERNING THE CANAL TREATY NEGOTIATIONS ARE PROVIDED BELOW.

2. TIMING OF AGREEMENT: NO TIME DEADLINE HAS BEEN ESTABLISHED. THE SUCCESS OR FAILURE OF THE NEGOTIATION MUST DEPEND UPON THE CONTENT OF THE AGREEMENTS REACHED; THERE CAN BE NO TREATY IF ITS CONTENT IS NOT ACCEPTABLE. INDICATIONS ARE, UP TO THE PRESENT, THAT A TREATY DRAFT MIGHT BE READY BY MID-YEAR.

3. NECESSITY OF COMPROMISE: EVERY TREATY EMBODIES COMPROMISE. IN THIS CASE, PANAMA'S COMPLETE FREEDOM OF NEGOTIATION IS AFFECTED BY A DE FACTO SITUATION THAT THE US IS IN THE CANAL ZONE "UNDER A TREATY IN PERPETUITY TO OPERATE, MAINTAIN, PROTECT AND DEFEND A CANAL THAT SEVERS OUR ENTRAILS." THUS, ASPECTS OF A NEW TREATY WHICH MIGHT BE REGARDED BY SOME PEOPLE AS PANAMANIAN COMPROMISES REPRESENT IN FACT REAL GAINS TOWARD THE GOVERNMENT'S ULTIMATE OBJECTIVE OF RECOVERING AND OPERATING THE CANAL. THE FUNDAMENTAL PROBLEM, CONTINUED TACK, IS NOT THE COMPROMISE ASPECT, BUT THE OBJECTIVE. THE SOLUTION TO PANAMA'S RELATIONS WITH THE US CONCERNING THE CANAL "CAN ONLY BE ACHIEVED WITHIN THE FRAMEWORK OF A NATIONAL REALITY, A LATIN LIMITED OFFICIAL USE

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AMERICAN REALITY, A WORLD REALITY."

4. NATURE OF THE COMPROMISES: THE POINTS OF AGREEMENT WHICH REPRESENT COMPROMISE FROM PAST POSITIONS ARE: THE US PRESENCE IS TO HAVE A FIXED TERM WHICH MEANS THE END OF PERPETUITY AND THE UNILATERAL EXPLOITATION BY THE UNITED STATES OF PANAMA'S GEOGRAPHIC POSITION. THE DISMANTLING OF US PRESENCE WILL TAKE PLACE IN STAGES WITH A FINAL DEADLINE WHEN

PANAMA WILL ASSUME TOTAL CONTROL. THE GOP NEGOTIATORS ARE TAKING CARE THAT THERE WILL BE NO TRACE OF "CONCEALED PERPETUITY" OR ANY CLAUSE THAT THE UNITED STATES COULD INTERPRET IN ORDER TO MAINTAIN ITS PRESENCE INDEFINITELY IN PANAMA.

5. TRANSFORMATION OF CANAL ZONE: RESPONDING TO A QUESTION CONCERNING TRANSFORMATION OF CANAL ZONE AND TIME REQUIRED FOR ALL ASPECTS OF THIS TRANSFORMATION, TACK REFERRED TO PRINCIPLES 3 AND 5 OF KISSINGER-TACK JOINT DECLARATION, SAYING US JURISDICTION--A PRINCIPAL SOURCE OF CONFLICT--WOULD BE TERMINATED PROMPTLY. PANAMA WILL EXERCISE FULL JURISDICTION NO DIFFERENT THAT IT EXERCISES IN THE REST OF ITS TERRITORY; HOWEVER, ONCE PANAMA'S NATIONAL TERRITORY HAS BEEN INTEGRATED IN THIS MANNER, PANAMA WILL CONFER UPON THE UNITED STATES USE RIGHTS NECESSARY FOR THE OPERATION, MAINTENANCE, PROTECTION AND DEFENSE OF THE CANAL FOR THE DURATION SPECIFIED IN THE TREATY. DURING THIS PERIOD PANAMA WOULD HAVE SPECIFIED RESPONSIBILITIES FOR SHARING IN THESE FUNCTIONS.

6. U.S. MILITARY PRESENCE: THE FULL TEXT OF TACK'S ANSWER TO A QUESTION CONCERNING UNITED STATES MILITARY BASES FOLLOWS:

"AS I HAVE EXPLAINED EARLIER, AND AS ANY CONSCIENTIOUS PANAMANIAN CAN UNDERSTAND, NEGOTIATION IS A POLITICAL COMPROMISE. I DON'T KNOW, IN TRUTH, IF THERE IS ANY PANAMANIAN WHO, IN FULL SINCERITY AND DEEP INSIDE HIM, FEELS THAT A TREATY COULD BE SIGNED, AT SOME MOMENT, WHEREBY THE UNITED STATES WOULD AGREE TO DISMANTLE THE MILITARY BASES IN THE PRESENT CANAL ZONE ON THE DAY AFTER A TREATY IS APPROVED. BESIDES, THERE IS NO INTERNATIONAL ENTITY, NO GROUP OF COUNTRIES NOR ANY INDIVIDUAL COUNTRY, EITHER AT THE WORLD OR REGIONAL LEVEL, THAT COULD FORCE THE UNITED STATES TO DO THIS.

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"FOR THESE REASONS, IN THE SPECIFIC ASPECT OF THE PROTECTION AND DEFENSE OF THE CANAL, THE NEW TREATY WILL INVOLVE A PROGRAM TO BE CARRIED OUT. BUT THE AGREEMENTS THAT MAY BE ARRIVED AT ON THIS SUBJECT SHOULD HAVE AS FUNDAMENTAL CHARACTERISTICS THE FOLLOWING:

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1) THAT THE REPUBLIC OF PANAMA, AS SOVEREIGN OVER ALL ITS TERRITORY, IS DIRECTLY RESPONSIBLE FOR THE PROTECTION, DEFENSE AND THE SECURITY OF ITS TERRITORY.

2) THAT THE FORM OF THE PRESENCE OF THE UNITED STATES IN THAT MATTER WILL BE SOLELY AND EXCLUSIVELY FOR THE REAL PROTECTION AND DEFENSE OF THE CANAL IN A MANNER THAT WILL NOT AFFECT NATIONAL DIGNITY AND PANAMANIAN SOVEREIGNTY.

3) THAT THE SITES PANAMA ALLOWS THE UNITED STATES TO USE FOR THOSE SPECIFIC PURPOSES WILL NOT BE EXCLUDED FROM THE JURISDICTION OF THE REPUBLIC OF PANAMA.

4) THAT PANAMANIAN ARMED FORCES SHOULD HAVE ADEQUATE AND GROWING PARTICIPATION IN THE PROTECTION AND DEFENSE OF THE CANAL AND ITS NEUTRALITY.

5) THAT THERE WILL BE NOTHING IN THIS MATTER THAT IMPLIES UNLIMITED CONTINUITY OR CONCEALED PERPETUITY ON THE PART OF THE UNITED STATES.

6) THAT THE UNITED STATES WILL NOT INTERVENE
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IN THE INTERNAL AFFAIRS OF THE REPUBLIC OF PANAMA."

7. ECONOMIC BENEFITS: PANAMA'S POSITION IS THAT ECONOMIC ASPECTS OF A NEW TREATY SHOULD NOT PREVAIL OVER THE SOVEREI-

GNTY AND JURISDICTION ASPECTS. NEVERTHELESS, THE TREATY SHOULD BRING SUBSTANTIAL ECONOMIC BENEFITS TO PANAMA BY REASON OF THE HUGE VALUE OF PANAMA'S CONTRIBUTION, I.E. ITS PRINCIPAL NATURAL RESOURCE, ITS GEOGRAPHICAL POSITION. THE BENEFITS SHOULD DERIVE FROM THE "TRUE VALUE" OF PANAMA'S DEVOTION OF THE MOST IMPORTANT PART OF ITS TERRITORY TO THE CANAL. THE MATTER, THEREFORE, GOES FAR DEEPER THAN A SIMPLE RENTAL PAYMENT FOR USE OF PART OF PANAMA'S LAND AND WATERS.

8. FUTURE OF UNITED STATES GOVERNMENT EMPLOYEES: ALTHOUGH, AS PHRASED, THE QUESTION APPLIED TO ALL USG EMPLOYEES IN THE CANAL ZONE, TACK'S ANSWER DEALT ONLY WITH PANAMANIAN EMPLOYEES AND WAS LESS THAN CLEAR. THE ESSENCE OF HIS ANSWER WAS THAT THE CANAL SHOULD BE A SOURCE OF EMPLOYMENT PRINCIPALLY FOR PANAMANIAN. THE LEGITIMATE ASPIRATIONS OF PANAMANIAN WORKERS ARE BEING TAKEN INTO ACCOUNT IN THE NEGOTIATIONS, AND THERE WOULD BE NO "DETERIORATION" (IMPLYING NO REDUCTION OF SALARIES OR BENEFITS).

9. GOP ATTITUDE IF PEOPLE REJECT TREATY: IN RESPONSE TO A QUESTION CONCERNING THE GOP'S ATTITUDE IF THE PANAMANIAN PEOPLE WERE TO REJECT THE TREATY, TACK REITERATED THE PROMISE THAT THE GOVERNMENT WOULD TAKE ALL MEASURES TO ASSURE THAT THE PEOPLE WILL BE FULLY INFORMED PRIOR TO THE PLEBISCITE. GREAT CARE WAS BEING TAKEN TO ENSURE THAT THE TREATY WILL BE A SIMPLE AND CLEAR AS POSSIBLE, SO THAT EVERY PANAMANIAN CAN UNDERSTAND IT. THE GOVERNMENT'S ATTITUDE WILL BE DETERMINED BY THE PEOPLE'S DECISION.

10. PRESENT STATUS OF NEGOTIATIONS: AT THEIR PRESENT STAGE THE NEGOTIATIONS WERE BEING CONDUCTED WITH GREAT INTENSITY. ALTHOUGH IMPORTANT MATTERS REMAIN TO BE DISCUSSED AND IN SUCH A COMPLEX NEGOTIATION DIFFICULTIES COULD ARISE AT ANY MOMENT, NO INSURMOUNTABLE DIFFICULTIES ARE FORESEEN. TACK CONCLUDED BY REPEATING: THE IMPORTANT THING WILL BE THAT THE CONTENT OF A NEW TREATY BE ACCEPTABLE TO PANAMA AND THAT IT PROVIDES FOR THE LIMINATION OF THE SOURCES OF CONFLICT." LIMITED OFFICIAL USE

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11. COMMENT: TACK'S RESPONSES ON THE QUESTIONS RELATING TO THE NEGOTIATIONS AND THE NEW CANAL TREATY WERE THE MOST CANDID PUBLIC STATEMENTS THAT HE HAS MADE CONCERNING THE NECESSITY FOR COMPROMISES IN ORDER TO REACH AGREEMENT. PREVIOUSLY, THE BURDEN OF FORESHADOWING COMPROMISE HAD FALLEN UPON CARLOS LOPEZ GUEVARA WHO, IN SEVERAL SPEECHES BEGINNING JULY 31, 1974, HAD SAID THAT COMPROMISE WOULD BE NECESSARY. TACK'S STATEMENTS, HOWEVER, WENT FARTHER THAN PREVIOUS STATEMENTS INEXPLICITLY SAYING THAT THE US WOULD BE GRANTED "USE RIGHTS" AND THAT ON ONE SHOULD EXPECT THE IMMEDIATE

DISAPPEARANCE OF US MILITARY BASES. WITH TACK'S ADMISSION OF
THESE KEY POINTS, THE ISSUES OF "USE RIGHTS" AND THE
CONTINUANCE OF US MILITARY BASES HAVE BEEN MOVED OUT INTO THE
OPEN. WE SUSPECT THAT, WITH THE EXCEPTION OF THE HARD-
LINERS AND THOSE WHO OPPOSE THE GOP WHATEVER THE ISSUE, THE
PUBLIC REACTION TO TACK'S STATEMENT WILL BE FAVORABLE.
JORDEN

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